

89-1755 (5)

Supreme Court, U.S.

FILED

APR 30 1990

JOSEPH F. SPANIOL, JR.  
CLERK

No. \_\_\_\_\_

In the Supreme Court  
of the  
United States

\_\_\_\_\_  
October Term, 1989

\_\_\_\_\_  
Raymond Dobard

Petitioner

vs.

City of Oakland, et al.,

Respondent

\_\_\_\_\_  
MEMORANDUM IN OPPOSITION TO  
PETITION FOR WRIT OF CERTIORARI  
to the United States Court of Appeals  
for the Ninth Circuit

\_\_\_\_\_  
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**BEST AVAILABLE COPY**



In the Supreme Court of the United States

October Term, 1989

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Raymond Dobard, Petitioner

v.

City of Oakland, et al., Respondent

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MEMORANDUM IN OPPOSITION TO  
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MEMORANDUM FOR DEFENDANTS IN OPPOSITION

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Petitioner recites that he has raised federal issues concerning his Oakland property for the past five years. The federal issues described appear to be violation of due process and illegal taking without compensation. The error asserted seems to be that petitioner received no "hearing" due to disposition of his claims

by summary judgment.

Petitioner's claims have already been decided. Dobard v. City of Oakland (9th Cir. 1987) No. 85-2715, cert denied, 108 S. Ct. 685 (1988). When petitioner subsequently realleged his claims they were of course precluded due to the doctrine of collateral estoppel.

Petitioner now argues application of this doctrine is "hearsay" and "ex-parte" (Petition, pp. 6-7) and challenges the granting of summary judgment based on collateral estoppel. (Petition, p. 10)

These arguments are patently frivolous, and petition for certiorari must consequently be denied.

The Court of Appeals in denying respondents' request for attorneys fees held that, because of petitioner's pro se status, he would be given the benefit of the doubt.

Respondents question how long this exercise can be extended without holding petitioner responsible for his flagrant abuse of the legal process.

It is noted that petitioner has, for a third time, appealed to the Ninth Circuit from grant of summary judgment on these same issues.<sup>1</sup> Another petition for certiorari will presumably follow this one.

Accordingly, respondents request this court direct the Court of Appeals to grant attorneys fees to respondents herein.

Dated: April 27, 1990

Respectfully submitted,

Charles O. Triebel, Jr.

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<sup>1</sup> Petitioner also filed an emergency petition for writ of mandate, which was denied November 7, 1989 (Memorandum Order, Ninth Circuit No. 89-70475) as well as all manner of emergency and ex parte motions, and accusations of judicial misconduct in the District Court too numerous to mention.



1 PROOF OF SERVICE BY MAIL (CCP 1013a, 2015.5)  
2 STATE OF CALIFORNIA, COUNTY OF ALAMEDA

3 I am a citizen of the United States and a resident of the county  
4 of Alameda. I am over the age of eighteen years and not a party  
5 to the within above entitled action. My business address is 405  
6 14th Street, Suite 1000, Oakland, California 94612.

7 On April 27, 1990, I served the within MEMORANDUM IN OPPOSITION TO  
8 PETITION FOR WRIT OF CERTIORARI on party in said action by placing  
9 a true copy thereof enclosed in a sealed envelope with postage  
10 thereon fully prepaid, in the United States Mail at Oakland,  
11 California addressed as follows:

12 Raymon Dobard  
13 1866 Alcatraz Avenue  
14 Berkeley, Ca. 94703

15 I certify (or declare), under penalty of perjury that the foregoing  
16 is true and correct.

17 Executed on April 27, 1990 at Oakland, California.

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19 David Milliken  
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